

## **DEVELOPMENT CONDITIONS**

**SE 2010-LE-017**

**March 8, 2011**

The Board of Supervisors approved SE 2010-LE-017 located at 7901 Cinder Bed Road, Tax Map 99-2 ((3)) 1, 2, 3A, and 3B, to allow a regional non-rail transit facility, a driveway for uses in an I-District, and uses in a floodplain, pursuant to Sect. 9-101, Sect. 9-601, and Sect. 2-904 of the Fairfax County Zoning Ordinance, requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A copy of the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE plat entitled Cinder Bed Road Bus Division, prepared by Wendel Duchscherer Architects & Engineers, dated July 15, 2010 as revised through December 3, 2010, containing 27 sheets, and these conditions.
5. A Hold Harmless agreement shall be executed with the County prior to approval of a grading plan for all adverse effects that may arise as a result of the location of the site within a floodplain area.
6. The determination from the US Army Corps of Engineers shall be submitted by the applicant, prior to the submission of a grading plan stating whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to commencement of any construction activity on the site, as determined by DPWES.
7. Prior to approval of a site plan, it shall be demonstrated to the satisfaction of DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.

8. Prior to the placement of the lowest floor, including basement for any structure within the 100-year floodplain, the applicant shall submit floor elevations on a FEMA Certificate to be filed with the Department of Public Works and Environmental Services (DPWES), that certifies compliance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued.
9. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.
10. The lowest elevations of all buildings shall be above the 100-year floodplain elevation.
11. All mechanical, electrical, and utility equipment shall be located at or above the 100-year floodplain elevation.
12. Erosion and sediment control measures shall be installed at all stages of construction, as determined by DPWES. A "super silt fence" shall be installed along the lower clearing and grading limits for the site. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.
13. The architectural design, height and building materials of the freestanding sign shall be in substantial conformance with the illustrations as shown on Sheet 26 of the SE Plat.
14. Directional lighting fixtures shall be used on the site to reduce nighttime glare.
15. Buses shall use only the route along Cinder Bed Road, Backlick Road, and the Fairfax County Parkway to access and leave the subject property. No buses shall use Newington Road, or Loisdale Road north of Newington Road to access or leave the subject property. No buses shall use Telegraph Road north of the Fairfax County Parkway, unless needed to access routes that originate directly from Telegraph Road.
16. Articulated buses shall be prohibited from the site until such time that VDOT provides a written determination that there is sufficient turning area along the route traveled by buses accessing and leaving the property, to allow articulated buses.
17. Right-of-way up to thirty-five feet from the existing centerline along the site's Cinder Bed Road frontage shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first. Advance density credit shall be reserved subject to the provisions of Par. 4 of Sect. 2-308 of the Zoning Ordinance. All ancillary easements along the Cinder Bed Road frontage of the site shall be conveyed by the Applicant, to the Board of Supervisors at the time of site plan approval or within sixty days upon demand by DPWES or VDOT, whichever occurs first.
18. The Applicant shall reconstruct Cinder Bed Road with a curb and gutter section as

two thirteen-foot wide lanes (one lane in each direction) along the site's frontage, to PFM standards, as determined by DPWES.

19. A five-foot wide concrete sidewalk shall be constructed by the Applicant, along the opposite side of the site's Cinder Bed Road frontage (east side of Cinder Bed Road), to PFM standards to connect to the existing sidewalk, if such construction can be accomplished within the existing Cinder Bed Road right-of-way.
20. The Applicant shall submit a traffic signal warrant study to VDOT for the realigned intersection of Newington Road and Cinder Bed Road, no sooner than six (6) months but no later than nine months after the Cinder Bed Road garage begins operation. If the traffic warrant study determines that a traffic signal at this location is warranted, the Applicant shall design and install such traffic signal to VDOT specification. Construction of such signal shall be coordinated with FCDOT and VDOT. In lieu of installation of such signal, the Applicant may, in consultation with FCDOT and VDOT, escrow funds necessary for such signal. The amount of such funds shall be based on VDOT bonding guidelines.
21. The Applicant shall submit a scorecard of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining, as part of the site plan submission and building plan submission. A professional engineer or architect shall provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the scorecard meet, if ultimately approved by the U.S. Green Building Council, a range of LEED credits that is no less than the minimum credits necessary to attain LEED certification of the project, up to the minimum number of credits necessary to attain LEED "Silver" certification.
22. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions as follows.

A. Tree Preservation: A Tree Preservation Plan and Narrative shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506

and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

B. Tree Preservation Walk-Through. A certified arborist shall be retained, and shall mark the limits of clearing and grading with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

C. Limits of Clearing and Grading. The limits of clearing and grading shall be strictly conformed to as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

D. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

E. Root Pruning. The roots shall be pruned, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted under the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Demolition of Existing Structures. The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the SE Plat, with the exception of the stone entrance drive and concrete pipe culvert, shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

G. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

23. Stormwater detention and water quality controls shall be provided in accordance with the PFM, as determined by DPWES.
24. Prior to site plan approval, the applicant shall submit a replanting/restoration plan for the areas in the RPA that are disturbed per an approved grading plan, in accordance with the standards of the Chesapeake Bay Preservation Ordinance for review and approval by the UFMD, DPWES. For those areas indicated as RPA on the SE Plat which will not be disturbed, the applicant shall submit documentation verifying that existing vegetation are in accordance with PFM requirements and is healthy.

25. The existing entrance road in the southern portion of the property shall be replaced with a channel to convey stormwater flow to Long Branch. This channel shall be designed and constructed in a manner so as to appear to be a naturalized channel. Special care shall be taken to control velocities as this new channel enters Long Branch. The design for said channel, which will include grading and landscaping, shall be submitted at the time of site plan review.
26. All work on the northern entrance road and stream crossing shall be completed in such a way to minimize disruptions to the RPA and Long Branch. Disturbed areas along the new roadway and underneath the proposed 60' CONSPAN arch will be restored.
27. To ensure that there is a forum for on-going discussion with the residential communities on the east side of Cinder Bed Road, the applicant shall meet with a Communications Committee comprised of a representatives from each of the homeowners and/or civic associations at the discretion of the Communications Committee but not more than twice a year. In addition, a dedicated telephone contact number for the WMATA bus facility shall be established and provided to the Lee and Mount Vernon District Supervisors' offices and to the members of the Communications Committee to report concerns regarding the operation of the WMATA bus facility. The dedicated telephone contact number shall be provided by the applicant prior to the issuance of a Non-Residential Use Permit for the WMATA bus facility and updated as necessary. Monitoring of the telephone contact line shall be performed on a daily basis and all calls shall be responded to within one business day.
28. The maximum permitted number of busses to utilize the facility shall be "phased" based upon the following schedule: upon issuance of a non-residential use permit (Non-RUP), no more than 80 busses shall use the facility. After two years from issuance of the Non-RUP, no more than 100 busses shall use the facility. After five years from issuance of the Non-RUP, no more than 125 busses shall use the facility. After seven years from issuance the Non-RUP, the maximum number of busses shall be 160, which is the total maximum for the facility.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exceptions shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction of the operations and maintenance building has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request

for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.